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Masashi Okamoto

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EXAMINER

SHAW, AMANDA MARIE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte MASASHI OKAMOTO *et al*

Appeal 2010-002788
Application 10/522,045
Technology Center 1600

DECISION ON PETITION

This is a decision on the “Petition Under 37 CFR 1.136(b),” filed November 16, 2010 (“Petition”). The Petition requests “that a two-month extension of time be granted to respond to a decision rendered by the Board on September 23, 2010.”

FINDINGS

1. On September 23, 2010, the Board of Patent Appeals and Interferences (“Board”) mailed a Decision on Appeal (“Decision”) in this appeal.
2. In the Petition, filed November 16, 2010, and accompanying Declaration of Raquel M. Tabor, Appellants have established that the law firm of their attorney never received the copy of the Decision that was mailed by the Office on September 23, 2010.

RELEVANT AUTHORITY

In respect to seeking an extension of time for filing a request for rehearing, 37 C.F.R. 1.136(b) provides:

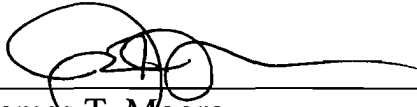
When a reply cannot be filed within the time period set for such reply and the provisions of paragraph (a) of this section are not available, the period for reply will be extended only for sufficient cause and for a reasonable time specified. Any request for an extension of time under this paragraph must be filed on or before the day on which such reply is due, but the mere filing of such a request will not affect any extension under this paragraph.

DISCUSSION

As indicated above, the Petition was timely filed within the prescribed two month period. Also, the fact that the firm of Appellants' Attorney never received the mailed copy of the Decision constitutes "sufficient cause" (Rule 1.136(b)) for seeking an extension of time.

DECISION

In view of the foregoing, the Petition is GRANTED and Appellants are granted two months from the mailing date hereof to respond to the Decision on Appeal mailed September 23, 2010.



James T. Moore
Acting Chief Administrative Patent Judge

Appeal 2010-002788
Application 10/522,045

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